

### REMARKS

In the outstanding official action, claims 1-21 were rejected under 35 USC 102(b) as being anticipated by Yagami et al, for the reasons of record. In response, all of the independent claims have been amended to more clearly and precisely define the distinguishing features of the instant invention, and it is respectfully submitted that the currently-pending claims, as herewith amended, are now clearly distinguishable over the cited and applied reference for the reasons detailed below.

More particularly, the independent claims have been amended to recite that the electrically insulating and thermally conducting material is formed as an outer protective shell directly covering the distal end of the endoscope. Support for this additional limitation may be found, *inter alia*, on page 4 of the instant application and Figs. 2 and 4.


In the cited portions of Yagami, on the contrary, there is shown and described a substantially different structure, wherein the covering suggested to anticipate the covering of the instant invention and having electrically insulating and thermally conducting properties (reference numeral 27) is in fact an internal housing which is separated and spaced-apart from the outer sheath (2) of the device. Thus, even if housing 27 were made of an appropriate material (noting that both thermally

conductive and thermally non-conductive materials are disclosed and it would require undue experimentation to select the proper material absent the benefit of impermissible hindsight derived from the instant disclosure) the thermal cooling advantages of the instant invention would not be obtained due to the separation between the internal housing 27 and the outer sheath 2.

By now more positively and expressly reciting that the instant invention comprises an outer protective shell directly covering the distal end, the structure of the instant invention is clearly distinguished over the cited internal housing 27 of the reference.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1, 9, 15 and 21, as herewith amended, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied reference. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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